THE HONOURABLE SRI JUSTICE

ELIPE DHARMA RAO

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WRIT PETITION No.16079 OF 2005

O R D E R :

This writ petition is filed seeking to declare the action of the first respondent in issuing Proceedings ROP.No.310/F dated 16-5-20905 cancelling the sanitation work entrusted to Kavali Badili and Sanitation Workers' Welfare Society, Kavali, Nellore district, in terms of the agreement dated 27-3-2005 as illegal, arbitrary, motivated and beyond competence and violation of Article 21 of the Constitution of India in depriving the right to life and consequently set aside the same.

The petitioner society is formed by the sanitation workers of Kavali town, duly registered under the Societies Registration Act with Regn.No.710/2004. The society was formed to undertake the sanitation work in the municipal limits of Kavali. The petitioner being the President of the society filed this writ petition. Whereas the Government of AP in its GO.Ms.No.581, MA dated 6-11-1996, to improve the sanitation in Municipalities directed all the Municipalities to entrust the sanitation work to the societies registered under the Societies Registration Act, comprising of Badili Workers belonging to Scheduled Caste/Scheduled Tribe Community people having experience in sanitation work by following tender system. Acordingly, Kavali Municipality invited tenders dated 19-2-2005 for engaging workers for sanitation

work. The petitioner society participated in the tender and being the lowest bidder it was selected for the said work.

The petitioner society submit that an agreement between the Kavali Badili and Sanitation Workers Welfare Society and Commissioner, Kavali Municipality, represented by its President and the Commissioner respectively entered into an agreement on 27-3-2005 wherein the sanitaty work in the wards 18, 19, 20, 21 and 28 were given to the petitioner society at the rate of daily wages of Rs.16/- per day per worker. The agreement period was from 31-3-2006.

The petitioner society further submits that it was discharging sanitation work in the above wards to the satisfaction of Sanitary Inspectors and other Staff who were supervising the work. There was no complaint from any quarter much less the public in respect of the sanitation work done by the workers of the society.

While things stood thus, the first respondent through proceedings impugned cancelled the sanitation work entrusted to the petitioner society on flimsy ground that the petitioner society along with others have not been supplying sufficient number of workers for sanitation work. The agreement was entered on 27-3-2005 and it is valid upto 31-3-2006. The action of the first respondent in canceling the work prematurely resulted in starvation of several of the sanitation workers who are depending on sanitation work. The first respondent has cancelled the work entrusted to the petitioner society to engage workers from non-badili workers of his choice which is against the spirit of the policy of the Government. There was no warning or memo issued to the petitioner society with regard to the alleged non-supply of sufficient

number of workers.

After advancing the arguments at last the learned counsel for the petitioner-society submitted that in similar circumstances in WP.No.13406 of 2004 filed by Kavali Municipal Health and Sanitation Workers Society, Kavali was pleased to admit the same and suspend the impugned proceedings.

After hearing both sides, it appears that the allotment of work was cancelled in respect of President, Kavali Municipal Health and Sanitation Workers Welfare Association, Kavali, whereas the Kavali Badili and Welfare Sanitation Association, Kavali, represented by its President, Mr.Chevuri Mastan, s/o. Kotaiah has filed this writ petition. Therefore, the petitioner is not the society or association allotted sanitation work. Therefore, I see no reason to entertain the present writ petition.

The writ petition is accordingly dismissed at the admission stage. No order as to costs.

JULY 22nd, 2005. ----------

I S L. ELIPE DHARMA RAO, J.